



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
401 CHURCH STREET  
L & C ANNEX 6TH FLOOR  
NASHVILLE TN 37243

FILE

June 3, 2009

Mr. James A. Tosh  
Owner/CEO  
Tosh Farms - Cottage Grove  
P.O. Box 308  
Henry, TN 38231

Subject: **Notice of Complete Application and Public Notice Requirements**  
**NPDES Permit Tracking No. TN0080926**  
**Tosh Farms - Cottage Grove**  
**Henry, Henry County, Tennessee**

Dear Mr. Tosh:

The Division of Water Pollution Control (the division) acknowledges the receipt of a permit application in our office on April 23, 2009; supplemental application materials were received in the interim and the application determined to be complete on May 26, 2009. Our review of the individual NPDES permit application showed that you have submitted all the information required to initiate processing of the application. You are advised that this notice of complete application does not imply that the application will be approved or that a permit will be issued. Also, in accordance with rules of the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, Chapter 1200-4-5-.05 (2):

*"This provision does not preclude the commissioner from later requesting additional material that subsequent to the notice of completeness is determined to be necessary for permit processing."*

If this is an application for a new or expanded discharge, please find attached a template of a public notice you must complete and post for a period of 30 days. This is required in accordance with Chapter 1200-4-5-.06 (1), which states:

*"For an individual application for a new or expanded discharge, the applicant shall notify the public of the application by posting a sign near the point of entrance to such facility and within view of a public road. The sign shall contain provisions as specified by the commissioner. The sign shall be of such size that is legible from the public road. Also the sign shall be maintained for at least thirty days following submittal of the application to the division."*

If you have questions, please contact the division at your local Field Office at 1-888-891-TDEC; or, at this office, please contact Ms. Erin O'Brien at (615) 253-2245 or by E-mail at [Erin.O'Brien@tn.gov](mailto:Erin.O'Brien@tn.gov).

Sincerely,

Vojin Janjic  
Manager, Permit Section  
Division of Water Pollution Control

P/WAT-29; Notice of Complete Application Letter TN0080926.DOC

cc: DWPC, Permit Section & Jackson Environmental Field Office  
ec: Mr. Adam Tracy Smith Bio Security/Environmental Officer, Tosh Farms, P.O. Box 308, Henry, TN 38231

STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
Division of Water Pollution Control  
**PERMIT SECTION**  
Sixth Floor – L & C Annex  
401 Church Street  
Nashville, TN 37243-1534

**MR. JAMES A. TOSH**  
**TOSH FARMS**  
**OWNER/CEO**  
**P.O. BOX 308**  
**HENRY, TN 38231**

**PUBLIC NOTICE  
OF APPLICATION FOR  
PERMIT TO DISCHARGE/  
DISPOSE OF STORMWATER RUNOFF**

Applicant Name and Address: \_\_\_\_\_

Permit Tracking Number: \_\_\_\_\_

Date this Notice was Posted: \_\_\_\_\_

Stormwater Runoff Treatment and Discharge/Disposal Description: \_\_\_\_\_

Discharge/Disposal is to/near the following stream: \_\_\_\_\_

**TO WHOM IT MAY CONCERN:** The application described above has been submitted for stormwater runoff facility operation and discharge/disposal permit pursuant to The Tennessee Water Quality Act of 1977, TCA 69-3-108. The purpose of this notice is to advise all concerned of the proposal for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact of the activities upon the respective water resources. The decision whether to issue or deny will in part be based upon that evaluation.

Persons wishing to comment on or object to the issuance of a proposed permit are invited to submit comments in writing to the address listed below. The applicant's name and permit number should be referenced. Written statements received on or before the date of expiration of the comment period will become part of the record and will be considered in the determination.

Interested persons may also request in writing that the Division hold a public hearing on any application. The request must be filed within the comment period and must indicate the interest of the person requesting and the reasons why a hearing is warranted. When there is sufficient public interest, the director shall hold a hearing in accordance with Rule 1200-4-5-.06 (12).

After consideration of comments submitted during the public comment period, the hearing record, if any, and the requirements of federal and State law, the director of the Division will make a determination regarding the final action on the permit. Permit applications, supporting documentation, and related comments are available for review and/or copying.

Division of Water Pollution Control  
Permit Section  
6th Floor, L&C Annex  
401 Church Street  
Nashville, TN 37243  
615-532-0664

### **Instructions for the Public Notice of Application Sign**

This sample Public Notice Sign is being provided for you to use. A Public Notice of Application sign must be displayed for a period of 30 days minimum. The purpose of the sign is to notify the public of its opportunity to comment, object, or to request a public hearing on the proposed permit action.

Pursuant to T.C. A. Rule 1200-4-5-.06 (1) and (10), effective July 23, 2004, applicants for new or expanded discharges must notify the public by posting a sign near the point of the proposed facility entrance within view of a public road. The size must be of such size as to be legible from the public road.

It is recognized that it is impracticable print all of the required sign wording at a size that it can be read from the carriage way. Thus, to meet the intent of the rule, only the words "PUBLIC NOTICE" and "APPLICATION TO DISCHARGE/ DISPOSE OF STORMWATER RUNOFF" must be readable from the carriage way. The remainder of the wording must be legible from the shoulder of the roadway.

Applicants should maintain some proof of sign posting and their compliance with the 30-day minimum posting period. Examples of proof could be dated photographs of the posted sign, an affidavit prepared by a witness of the posted sign, or confirmation by Division field staff.

Please be advised that in addition to this public notice of application, the Division will issue a Public Notice at the time a draft permit is proposed. Persons receiving this mailing include, but are not limited to, the applicant, governmental agencies with jurisdictions over the facility, federal and state agencies with jurisdiction over fish and wildlife resources and historic preservation, and interested persons having asked to be included on the public notice list.